

SAFE DRINKING WATER ACT (SDWA)9-16-A. Civil Judicial Enforcement Actions, Including Collection Actions
(1200 TN 350 9 16A)**1. AUTHORITY.**

- a. To cause civil judicial actions to be commenced or to intervene in suits commenced pursuant to the Safe Drinking Water Act.
- b. To request the attorney general to appear and represent the agency in any civil enforcement actions instituted under the SDWA, including actions to collect unpaid penalties.
- c. To request the AG to decline to prosecute a previously referred civil judicial action or cease prosecution of a previously filed civil judicial action.
- d. To appear and represent the agency in any SDWA action where the AG has refused or failed to appear and represent the agency, exclusive of appeals.

2. TO WHOM REDELEGATED.

- a. Authorities 1.a. - 1.c. are delegated to the director, Enforcement and Compliance Assurance Division.
- b. Authority 1.d. is delegated to the regional counsel.

3. LIMITATIONS.

- a. Any official exercising the authorities in 1.a. - 1.c. must obtain the advance concurrence of the RC or designee. The RC may waive concurrence in writing.
- b. Any official exercising these authorities must notify the assistant administrator for the Office of Enforcement and Compliance Assurance prior to exercising the authorities in 1.a. and 1.c. and when exercising the authority in 1.b. The AA for OECA may waive the requirement for notification in writing.

4. REDELEGATION AUTHORITY.

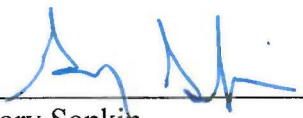
- a. The authorities in 1.a. - 1.c. may be redelegated to the branch chief level, or equivalent, and no further.
- b. The authority 1.d. to represent the agency may be redelegated to the staff attorneys.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Memorandum of Understanding between the agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).

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- b. Direct referral agreement memorialized in letter of September 29, 1983, from Alvin L. Alm, Deputy Administrator, to F. Henry Habicht, Assistant AG, regarding direct referrals; Sections 1414, 1423, 1431 and 1450(f) of the SDWA.
- c. For referrals of requests for emergency SDWA Temporary Restraining Orders, see chapter 9 Delegation entitled "Emergency TRO's."



Gregory Sopkin
Regional Administrator

Date